

Patent  
09/938,688

### **REMARKS**

Claims 1, 3, 4 and 6-19 are pending in the application. Claims 2 and 5 have been cancelled and the limitations thereof incorporated into amended Claim 1. Claims 1, 11 and 18, the independent claims, have been amended herein. Reconsideration of Claims 1, 3, 4 and 6--19 is respectfully requested.

#### **Section 112, second paragraph rejection**

Claim 5 was rejected under 35 USC 112, second paragraph as being indefinite. Cancellation of Claim 5 renders all rejections of that claim moot. However, all of the remaining pending claims have been carefully reviewed and amended as necessary to ensure compliance with Section 112. The limitations of dependent Claim 5, amended to address the Section 112 issues raised, have been incorporated into amended independent Claim 1. Withdrawal of the Section 112 rejection is respectfully requested.

#### **Claim Rejections; Sections 102 (a) and (e)**

Claims 1 and 5 were rejected under Section 102(a) as being anticipated by US Patent 6,252,952 (Kung et al.) and Claims 1-4 and 6-19 were rejected under 35 USC 102(e) as being anticipated by US patent application publication 2002/0093944 (Shen et al.).

Applicants respectfully traverse the outstanding rejections.

Specifically, with regard to Claim 1, the Action notes that "Kung et al. disclose a method for providing enhanced dial-up capabilities to a network connection,....establishing an audio connection between a telephone and a dial server (call manager, see column 25, lines 50-67 and column 26, lines 1-26); processing information conveyed by the audio connection to the dial server to obtain a telephone number (see column 26, lines 27-41); and forwarding that telephone number to a gateway that has a connection to a network (see column 27, lines 1-4).

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The amendments to Claim 1 to include, among additional recited limitations, the limitations of now cancelled Claim 2, renders the rejections based on Kung moot. Therefore, withdrawal of the rejection of Claim 1 as anticipated by Kung is respectfully requested.

With regard to the rejection based on Shen, Applicant respectfully submits that amended Claim 1 is patentable over Shen. Specifically, amended independent Claim 1 is directed to a method for providing enhanced dial-up capabilities to a network connection, the method including the steps of establishing an audio connection between a telephone and a centrally located dial server, processing information conveyed by the audio connection to the dial server to obtain a telephone number and forwarding the telephone number from the centrally located dial server to a local gateway that has a connection to a network. Claim 1 now further recites that the audio connection is formed across the gateway, and the connection between the telephone and the dial server is established using media gateway control protocol.

Shen is simply directed to a computer-implemented markup language-based server. The server "retrieves a voice application over a computer network from a remote website and uses it to have a speech-based conversation with the user.....after the requested service is performed, the voice application and the user service data are removed from the telephony server" (abstract).

Applicant respectfully submits that Shen does *not* teach or suggest a method in accordance with Claim 1. The Office Action relies upon "telephony server 32" of Shen as allegedly reading upon Applicant's recited "gateway" and "dial server" connected to the gateway. Shen does not in any way teach or suggest establishing an audio connection between a telephone and a centrally located dial server, ....and forwarding the telephone number from the centrally located dial server to a local gateway that has a connection to a network.

Similarly, Shen fails to teach or suggest that the recited audio connection is formed across the gateway.

For at least the foregoing reasons, Applicant respectfully submits that independent Claim 1, as amended herein, is patentable over Shen.

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Each of independent Claims 11 and 18 have been amended similarly to Claim 1 to recite an apparatus for providing enhanced dial-up capabilities to a network connection, the apparatus including a local gateway for packetizing audio and a centrally located dial server connected to the gateway. Claims 11 and 18 are believed patentable over Shen for the same reasons as independent Claim 1.

Dependent Claims 3, 4, 6-10, 12-17 and 19 are believed patentable over Shen for the same reasons as submitted above with respect to independent Claims 1, 11 and 18, one or another from which they depend and as reciting additional distinguishing limitations.

It is respectfully submitted that in regard to the above amendment and remarks that Claims 1, 3, 4 and 6-19 are patentable over the art of record. Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of the application at large, request is made that the Examiner telephone the Applicants' undersigned attorney at (908) 518-7700 in order that any outstanding issues be resolved.

Respectfully submitted,



Karin L. Williams

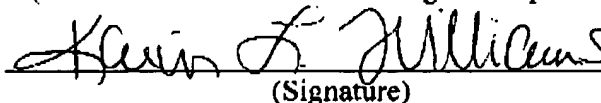
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